

1
2
3
4
5
6
7
8
9

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

JURY TRIAL DEMANDED

CAMESHEANN TABITHA WAKEFIELD

Case No.: 1:22-cv-8860

**SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
(PERSONAL INJURY)**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of Actions specific to this case.¹

Plaintiff, by and through their undersigned counsel, allege as follows:

¹ If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (see paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

1 **I. DESIGNATED FORUM**²

- 2 1. Identify the Federal District Court in which the Plaintiff would have filed in the
3 absence of direct filing:

4 Southern District of New York

5 ("Transferee District Court").

6 **II. IDENTIFICATION OF PARTIES**

7 **A. PLAINTIFF(S)**

- 8 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:

9 **Camesheann Tabitha Wakefield**

10 ("Plaintiff").

- 11 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:

12 New York City, New York

13 **B. DEFENDANT(S)**

- 14 6. Plaintiff(s) name(s) the following Defendants in this action

16 JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;³

17 ALTRIA GROUP, INC.;⁴

18 PHILIP MORRIS USA, INC.;⁵

19 ALTRIA CLIENT SERVICES LLC;⁶

20 ALTRIA GROUP DISTRIBUTION COMPANY;⁷

24 ² See Case Management Order No. 3, at II(C) (ECF No. 309).

25 ³ Delaware corporation, with its principal place of business in San Francisco, California.

26 ⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

27 ⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

28 ⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

1 ALTRIA ENTERPRISES LLC;⁸

2 **THE MANAGEMENT DEFENDANTS**

3 JAMES MONSEES;⁹

4 ADAM BOWEN;¹⁰

5 NICHOLAS PRITZKER;¹¹

6 HOYOUNG HUH;¹²

7 RIAZ VALANI;¹³

8 **THE E-LIQUID MANUFACTURING DEFENDANTS**

9 MOTHER MURPHY'S LABS, INC.;¹⁴

10 ALTERNATIVE INGREDIENTS, INC.;¹⁵

11 TOBACCO TECHNOLOGY, INC.;¹⁶

12 eLIQUITECH, INC.;¹⁷

13 **THE DISTRIBUTOR DEFENDANTS**

14 MCLANE COMPANY, INC.;¹⁸

15 EBY-BROWN COMPANY, LLC;¹⁹

16

⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

17 ⁹ A resident of California.

18 ¹⁰ A resident of California.

19 ¹¹ A resident of California.

20 ¹² A resident of California.

21 ¹³ A resident of California.

22 ¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

23 ¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

24 ¹⁶ Maryland corporation, with a principal place of business in Maryland.

25 ¹⁷ Maryland corporation, with a principal place of business in Maryland.

26 ¹⁸ Texas corporation with a principal place of business in Texas.

27 ¹⁹ Delaware limited liability company with a principal place of business in Illinois.

1 CORE-MARK HOLDING COMPANY, INC.;²⁰

2 **THE RETAILER DEFENDANTS**

3 CHEVRON CORPORATION;²¹

4 CIRCLE K STORES INC.;²²

5 SPEEDWAY LLC;²³

6 7-ELEVEN, INC.;²⁴

7 WALMART;²⁵

8 WALGREENS BOOTS ALLIANCE, INC.²⁶

9

10 **C. PRODUCT USE**

- 11 7. Plaintiff used JUUL during the time period including from June 4, 2015 to Preset and
12 that use caused and or substantially contributed to his/her injury.

13 **D. PHYSICAL INJURY²⁷**

- 14 8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged
15 to have been caused and or contributed to as a substantial factor by JUUL:

16 ADDICTION

17 NICOTINE POISONING

18

19 ²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place
20 of business Texas.

21 ²¹ Delaware corporation with a principal place of business in California.

22 ²² Texas corporation with a principal place of business in Arizona.

23 ²³ Delaware corporation with a principal place of business in Ohio.

24 ²⁴ Texas corporation with a principal place of business in Texas.

25 ²⁵ Delaware corporation with a principal place of business in Arkansas.

26 ²⁶ Delaware corporation with a principal place of business in Illinois.

27 ²⁷ Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not
28 required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged
which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes
that emotional and psychological damages are asserted by the Plaintiff.

1 BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

- 2 ANGER/OUTBURSTS
3 MOOD SWINGS
4 IRRITABILITY
5 SUICIDAL THOUGHTS
6 SUICIDAL ATTEMPTS
7 DEATH BY SUICIDE
8 OTHER (specify): Depression

9
10 COGNITIVE ISSUES (check all that apply):

- 11 ATTENTION DEFICIT DISORDER
12 LEARNING IMPAIRMENTS
13 LACK OF CONCENTRATION
14 TROUBLE SLEEPING
15 OTHER (specify): _____

16 CARDIOVASCULAR (check all that apply):

- 17 HEART ATTACK
18 OTHER CARDIOVASCULAR DIAGNOSIS (specify)

19 NEUROLOGIC (check all that apply):

- 20 SEIZURES
21 STROKE

22 RESPIRATORY/LUNG (check all that apply):

- 23 ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY
24 EOSINOPHILIA
25 ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA
26 ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)
27 ASTHMA
28 BRONCHITIS

- 1 CHRONIC LUNG PROBLEMS
 2 CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)
 3 E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG
 INJURY (EVALI)
 4 ESPHYSEMA
 5 LIPOID PNEUMONIA
 6 LUNG TRANSPLANT
 7 OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE
 8 PNEUMONIA (any type) (specify): _____
 9 POPCORN LUNG/BRONCHIOLITIS OBLITERANS

10
 11 DEATH
 12
 13 OTHER PERSONAL INJURIES (specify): _____
 14
 15 _____

16 9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about:
 17 Continuing Addiction from June 4, 2015 to present.

18 **V. CAUSES OF ACTION ASSERTED**

19 10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master*
 20 *Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated*
 21 *Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY –NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below _____
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

1 **VI. ADDITIONAL CAUSES OF ACTION**

2 **NOTE**

3 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the
4 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying
5 with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may
6 attach additional pages to this *Short-Form Complaint*.

7 11. Plaintiff(s) assert(s) the following additional theories against the Defendants
8 designated in paragraph 6 above:

9	
10	
11	
12	
13	
14	
15	
16	
17	

18 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for
19 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries
20 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together
21 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and
22 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*
23 *Consolidated Master Complaint (Personal Injury)*.

1 **JURY DEMAND**

2 Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

3 **Signature: Peter R. Ginsberg Bar No. 182221**

4 Peter R. Ginsberg
5 New York State Bar Number:1831221
6 Moskowitz & Book, LLP
7 345 Seventh Avenue, 21st Floor
8 New York, NY 10001
9 pginsberg@mb-llp.com
10 O: (212) 221-7999
11 C: (917) 657-1301
12 F: (646) 833-1657
13 www.MB-LLP.com
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28